

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES

Case No. 03-CR-10356-MLW

v.

FREDERICK A. SIMONE, (1)
a/k/a FREDDY, a/k/a
THE NEIGHBOR;

VINCENT C. GIAOCCHINI, (2)
a/k/a DEE DEE; and

FRANCIS WHITE, (3)
a/k/a THE WHITE-HAIRED GUY

GOVERNMENT'S NOTICE OF CHANGE AND WITHDRAWAL OF COUNSEL

The United States of America, by and through its attorney, the United States Attorney for the District of Massachusetts, hereby notifies the Court and defense counsel that AUSA Colin Owyang will be leaving government service on the close of business on September 10, 2004. The government had hoped to identify by this time replacement counsel to determine whether this staffing change would create any scheduling problems in this case, but the government has not yet identified a replacement. Accordingly, the government makes this filing now so that the Court may schedule a status conference before AUSA Owyang departs on September 10, should the Court desire to do so. The government anticipates that this substitution of counsel may effect the amount of time it will need to respond to the substantive defense motions now due on September 22. As the

Court knows, AUSA DiNisco commences trial on September 27 in front of Judge Zobel and that trial may take up to three weeks to complete.

AUSA Owyang hereby notices his withdrawal from this case. AUSA DiNisco will continue to represent the government, along with additional counsel to be named at a later date.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Colin Owyang
ERNEST DiNISCO
COLIN OWYANG
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

I, Colin Owyang, do hereby certify that I served a copy of the foregoing pleading by first-class mail on September 7, 2004 on (1) counsel for defendant Frederick Simone, Kevin J. Reddington, Esq., 1342 Belmont Street, Suite 203, Brockton, MA 02301; (2) counsel for defendant Vincent Gioacchini, Robert A. George, Esq., 138 Newbury Street, Suite 3, Boston, MA 02116; and (3) counsel for defendant Francis White, Richard M. Egbert, Esq., 99 Summer Street, Boston, Massachusetts 02110.

/s/ Colin Owyang
COLIN OWYANG
Assistant U.S. Attorney